

**SB0291**



**94TH GENERAL ASSEMBLY**

**State of Illinois**

**2005 and 2006**

**SB0291**

Introduced 2/3/2005, by Sen. Dale E. Risinger

**SYNOPSIS AS INTRODUCED:**

65 ILCS 5/7-1-1

from Ch. 24, par. 7-1-1

Amends the Illinois Municipal Code. Provides that any territory that is not within the corporate limits of any municipality shall be considered to be contiguous to the municipality for annexation purposes if the territory is separated from the municipality by a former railroad right-of-way that has been converted to a recreational trail. Provides that the area included within the former railroad right-of-way shall not be considered to be annexed to the municipality. Effective immediately.

LRB094 04282 MKM 34307 b

**A BILL FOR**

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by  
5 changing Section 7-1-1 as follows:

6 (65 ILCS 5/7-1-1) (from Ch. 24, par. 7-1-1)

7 Sec. 7-1-1. Annexation of contiguous territory. Any  
8 territory that is not within the corporate limits of any  
9 municipality but is contiguous to a municipality may be annexed  
10 to the municipality as provided in this Article. For the  
11 purposes of this Article any territory to be annexed to a  
12 municipality shall be considered to be contiguous to the  
13 municipality notwithstanding that the territory is separated  
14 from the municipality by (i) a railroad or public utility  
15 right-of-way or (ii) a former railroad right-of-way that has  
16 been converted into a recreational trail, but upon annexation  
17 the area included within that right-of-way or former railroad  
18 right-of-way shall not be considered to be annexed to the  
19 municipality.

20 Except in counties with a population of more than 500,000  
21 but less than 3,000,000, territory which is not contiguous to a  
22 municipality but is separated therefrom only by a forest  
23 preserve district may be annexed to the municipality pursuant  
24 to Sections 7-1-7 or 7-1-8, but only if the annexing  
25 municipality can show that the forest preserve district creates  
26 an artificial barrier preventing the annexation and that the  
27 location of the forest preserve district property prevents the  
28 orderly natural growth of the annexing municipality. It shall  
29 be conclusively presumed that the forest preserve district does  
30 not create an artificial barrier if the property sought to be  
31 annexed is bounded on at least 3 sides by (i) one or more other  
32 municipalities (other than the municipality seeking annexation

1 through the existing forest preserve district), (ii) forest  
2 preserve district property, or (iii) a combination of other  
3 municipalities and forest preserve district property. It shall  
4 also be conclusively presumed that the forest preserve district  
5 does not create an artificial barrier if the municipality  
6 seeking annexation is not the closest municipality to the  
7 property to be annexed. The territory included within such  
8 forest preserve district shall not be annexed to the  
9 municipality nor shall the territory of the forest preserve  
10 district be subject to rights-of-way for access or services  
11 between the parts of the municipality separated by the forest  
12 preserve district without the consent of the governing body of  
13 the forest preserve district. The changes made to this Section  
14 by this amendatory Act of 91st General Assembly are declaratory  
15 of existing law and shall not be construed as a new enactment.

16 In counties that are contiguous to the Mississippi River  
17 with populations of more than 200,000 but less than 255,000, a  
18 municipality that is partially located in territory that is  
19 wholly surrounded by the Mississippi River and a canal,  
20 connected at both ends to the Mississippi River and located on  
21 property owned by the United States of America, may annex  
22 noncontiguous territory in the surrounded territory under  
23 Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is separated  
24 from the municipality by property owned by the United States of  
25 America, but that federal property shall not be annexed without  
26 the consent of the federal government.

27 When any land proposed to be annexed is part of any Fire  
28 Protection District or of any Public Library District and the  
29 annexing municipality provides fire protection or a public  
30 library, as the case may be, the Trustees of each District  
31 shall be notified in writing by certified or registered mail  
32 before any court hearing or other action is taken for  
33 annexation. The notice shall be served 10 days in advance. An  
34 affidavit that service of notice has been had as provided by  
35 this Section must be filed with the clerk of the court in which  
36 the annexation proceedings are pending or will be instituted

1 or, when no court proceedings are involved, with the recorder  
2 for the county where the land is situated. No annexation of  
3 that land is effective unless service is had and the affidavit  
4 filed as provided in this Section.

5 The new boundary shall extend to the far side of any  
6 adjacent highway and shall include all of every highway within  
7 the area annexed. These highways shall be considered to be  
8 annexed even though not included in the legal description set  
9 forth in the petition for annexation. When any land proposed to  
10 be annexed includes any highway under the jurisdiction of any  
11 township, the Township Commissioner of Highways and the Board  
12 of Town Trustees shall be notified in writing by certified or  
13 registered mail before any court hearing or other action is  
14 taken for annexation. In the event that a municipality fails to  
15 notify the Township Commissioner of Highways and the Board of  
16 Town Trustees of the annexation of an area within the township,  
17 the municipality shall reimburse that township for any loss or  
18 liability caused by the failure to give notice. If any  
19 municipality has annexed any area before October 1, 1975, and  
20 the legal description in the petition for annexation did not  
21 include the entire adjacent highway, any such annexation shall  
22 be valid and any highway adjacent to the area annexed shall be  
23 considered to be annexed notwithstanding the failure of the  
24 petition to annex to include the description of the entire  
25 adjacent highway.

26 Any annexation, disconnection and annexation, or  
27 disconnection under this Article of any territory must be  
28 reported by certified or registered mail by the corporate  
29 authority initiating the action to the election authorities  
30 having jurisdiction in the territory and the post office  
31 branches serving the territory within 30 days of the  
32 annexation, disconnection and annexation, or disconnection.

33 Failure to give notice to the required election authorities  
34 or post office branches will not invalidate the annexation or  
35 disconnection. For purposes of this Section "election  
36 authorities" means the county clerk where the clerk acts as the

1 clerk of elections or the clerk of the election commission  
2 having jurisdiction.

3 No annexation, disconnection and annexation, or  
4 disconnection under this Article of territory having electors  
5 residing therein made (1) before any primary election to be  
6 held within the municipality affected thereby and after the  
7 time for filing petitions as a candidate for nomination to any  
8 office to be chosen at the primary election or (2) within 60  
9 days before any general election to be held within the  
10 municipality shall be effective until the day after the date of  
11 the primary or general election, as the case may be.

12 For the purpose of this Section, a toll highway or  
13 connection between parcels via an overpass bridge over a toll  
14 highway shall not be considered a deterrent to the definition  
15 of contiguous territory.

16 When territory is proposed to be annexed by court order  
17 under this Article, the corporate authorities or petitioners  
18 initiating the action shall notify each person who pays real  
19 estate taxes on property within that territory unless the  
20 person is a petitioner. The notice shall be served by certified  
21 or registered mail, return receipt requested, at least 20 days  
22 before a court hearing or other court action. If the person who  
23 pays real estate taxes on the property is not the owner of  
24 record, then the payor shall notify the owner of record of the  
25 proposed annexation.

26 (Source: P.A. 90-14, eff. 7-1-97; 91-824, eff. 6-13-00.)

27 Section 99. Effective date. This Act takes effect upon  
28 becoming law.